

H.B. 1000**SENATE RULE 103 SUSPENDED**

On motion of Senator Brown and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **S.B. 895** and **H.B. 181** tomorrow.

SENATE RULE 103 SUSPENDED

On motion of Senator Truan and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **S.B. 1283** tomorrow.

ADJOURNMENT

On motion of Senator Mauzy the Senate at 5:43 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

SEVENTY-THIRD DAY
(Wednesday, May 20, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

Rabbi Joseph Garon-Wolf, Congregation Agudas Achim, Austin, offered the invocation as follows:

In good Talmudic tradition, the Master Tarfon observed:

"The day is short, and the work is great; the laborers strength is waning, the reward is great, and the Master is extremely urgent."

In these times of inflated economies and somewhat deflated egos — as the individual yields to the menacing machinery of an impersonal public trustee, the work is still great: there are so many important enterprises for this august body to attend to. And, at times, our conviction to get the job done is less than maximum. Nevertheless, the rewards of government with responsibility, ingenuity, and an audacious purity are multiple. See how many holy souls depend upon the clarity of our deliberations.

O, God, Creator of the World and the Task to Repair It, allow us all to perceive how urgent You are that we get the task done, so that we may emulate

the Image in which we were made. Replace our staleness for the task with a rich and wonderful determination to once again, sanctify this magnificent life we have the opportunity to live. As gardeners here on earth, let us see how green and lush the garden can become through the work of our hands.

And let us all say, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 784, Was TABLED by a Record Vote of 72 ayes, 61 nays, 2 present-not voting.

S.B. 1020, Relating to the appropriations to the Coordinating Board, Texas College and University System.

S.B. 323, Relating to the Teacher Retirement System of Texas. (With amendment)

S.B. 738, Relating to replacement of group and blanket accident and health insurance. (With amendment)

S.B. 755, Relating to property agreements and divisions of property between spouses and persons about to marry and to gifts from one spouse to the other. (With amendment)

S.B. 1237, Relating to the authority of certain cities and counties to undertake and finance public improvements and to impose a hotel occupancy tax. (With amendments)

H.J.R. 7, Proposing a constitutional amendment to provide for legislative review of rulemaking by executive agencies.

H.J.R. 38, Proposing a constitutional amendment to allow the legislature to grant to a state finance management committee the power to manage the expenditure of certain appropriated funds.

H.J.R. 81, Proposing a constitutional amendment to authorize the exemption of a percentage of the value of a residence homestead from property taxation.

H.J.R. 111, Proposing a constitutional amendment relating to construction and related activities at state institutions of higher education.

H.B. 13, Relating to contributions to certain municipal retirement systems.

H.B. 389, Relating to the extension of junior college district boundaries to include noncontiguous school districts located in certain counties.

H.B. 1166, Relating to the conditions of probation granted when an adjudication of guilt is deferred.

H.B. 1282, Relating to a supplemental appropriation to the State Commission for the Blind to pay for the purchase of case services for visually handicapped children.

H.B. 1451, Relating to provision for issuance by an insurer of a prescribed certificate in lieu of a prescribed policy and issuance of a prescribed policy upon demand.

H.B. 1475, Relating to the offense of public intoxication.

H.B. 1529, Relating to the regulation of litter.

H.B. 1933, Relating to the transfer of the homestead of General Sam Houston to the Parks and Wildlife Department and the creation of the Sam Houston Memorial Museum and Park Historical Advisory Board.

H.B. 2122, Relating to the labeling of egg containers.

H.B. 2236, Relating to the licensing of peace officers by the Commission on Law Enforcement Standards and Education.

H.J.R. 77, Proposing a constitutional amendment authorizing the legislature to provide terms not to exceed four years for members of governing boards of certain water districts and conservation and reclamation districts.

S.B. 1159, Relating to the use of facsimile signatures on certain municipal documents.

The House concurred in Senate amendments to **H.B. 556** by non record vote.

S.B. 191, Relating to health care planning and certification of need requirements for certain health care projects. (With amendments)

S.B. 752, Solid Waste Resources Recovery Finance Act. (With amendments)

S.B. 910, Relating to increasing the maximum allowable interest rate which may be paid by a mutual insurance corporation.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 1280 (Amended)

Senator Snelson submitted the following report for the Committee on Education:

H.B. 454
H.B. 278
H.B. 269
H.B. 1269
C.S.H.C.R. 185 (Read first time)

Senator Truan, Vice-Chairman, submitted the following report for the Committee on Education:

C.S.H.B. 560 (Read first time)

Senator Snelson submitted the following report for the Committee on Education:

S.R. 459
H.B. 296 (Amended)
H.B. 601
S.B. 1171
H.B. 1565
H.B. 1351

SENATE BILL AND RESOLUTIONS ON FIRST READING

On motion of Senator Mauzy and by unanimous consent, the following bill and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1285 by Doggett State Affairs
Relating to increasing the amount of bond coverage available to state employees.

S.C.R. 120 by Brooks Administration
Granting Schaefer Diving Company permission to sue the State.

S.C.R. 121 by Richards Education
Creating an interim committee to examine the State Board of Education and functions of Central Education Agency.

S.R. 677 by Mengden State Affairs
Directing the Committee on State Affairs to study organizations in Texas that deny basic rights or utilize mind-control techniques.

S.R. 679 by Mengden State Affairs
Directing the Committee on State Affairs to study the problems of convenience store robberies.

S.R. 683 by Mengden

Jurisprudence

Directing the Committee on Jurisprudence to study current laws relating to the parent-child relationship.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 189, To Committee on Administration.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 1	H.B. 399
S.B. 479	H.B. 685
S.B. 796	H.B. 730
S.B. 1065	H.B. 796
S.B. 1098	H.B. 801
S.B. 1116	H.B. 857
H.C.R. 119	H.B. 858
H.C.R. 162	H.B. 889
H.C.R. 171	H.B. 917
H.B. 48	H.B. 2298
H.B. 247	H.B. 2318
H.B. 268	

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
May 19, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE BRANCH PILOT FOR THE SABINE BAR, PASS AND TRIBUTARIES:

For a four-year term to expire April 30, 1985:
(effective May 1, 1981)

CAPTAIN R. E. RESPESS of Port Arthur, Jefferson County, is being reappointed.

CAPTAIN DAVID A. WOOD of Beaumont, Jefferson County, is being reappointed.

TO BE A MEMBER OF THE PILOT COMMISSION FOR THE PORT OF GALVESTON AND TEXAS CITY:

For a two-year term to expire April 15, 1983:

The following are being reappointed:

EDWARD JORDAN FOX of Galveston, Galveston County.

ED MABRY of Texas City, Galveston County.

EDWARD EUGENE MINOCCHI of Galveston, Galveston County.

WILLIAM B. PATTON of Friendswood, Galveston County.

For a two-year term to expire April 15, 1983:

A. O. EVANS of Dickinson, Galveston County is replacing John P. Doney, Sr. of Galveston, Galveston County who resigned.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NUECES RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

GUS T. CANALES of Premont, Jim Wells County, is being reappointed.

TO BE A MEMBER OF THE TEXAS HOUSING AGENCY BOARD OF DIRECTORS:

For a six-year term to expire January 31, 1987:

SALVADORE CANCHOLA of El Paso, El Paso County, is being reappointed to Place 1.

RAY P. MOUDY of Midland, Midland County, is being reappointed to Place 7.

DOYLE STUCKEY of Houston, Harris County, is being reappointed to Place 4.

TO BE A MEMBER OF THE TEXAS BOARD OF CORRECTIONS:

For a six-year term to expire February 15, 1987:

PETE V. CORTEZ of San Antonio, Bexar County, will be replacing Ruben R. Montemayor of San Antonio, Bexar County.

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS WOMAN'S UNIVERSITY:

For a six-year term to expire January 10, 1987:

FRANCES H. CHILES of Fort Worth, Tarrant County, will be replacing Mrs. Deane Armstrong of Austin, Travis County, whose term expired.

TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS:

For a six-year term to expire January 31, 1987:

JAMES D. GOODE of Christoval, Tom Green County, is being reappointed.

TO BE A MEMBER OF THE STATE BOARD OF DENTAL EXAMINERS:

For a six-year term to expire May 10, 1987:

BRIAN BABIN, D.D.S. of Woodville, Tyler County, is replacing Randolph David Minatra, D.D.S. of Houston, Harris County, whose term expired.

WILL F. GRAHAM, D.D.S. of Borger, Hutchinson County, is replacing Sam H. Rabon, D.D.S. of Kingsville, Kleberg County, whose term expired.

For a six-year term to expire May 10, 1987:

JACK T. CLARK, D.D.S. of Fort Worth, Tarrant County, will be replacing James M. Moritz, D.D.S. of Austin, Travis County, whose term expired.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

COMMUNICATION FROM TEXAS EDUCATION AGENCY

The following Communication from the Texas Education Agency was read and was referred to the Subcommittee on Nominations:

May 18, 1981

Mrs. Betty King
Secretary of Senate
Capitol Building
Austin, Texas 78711

Dear Mrs. King:

I am submitting to you for confirmation by the Senate the following appointment to The Advisory Council for Technical-Vocational Education in Texas.

Mrs. Donna Price
Vocational Counselor and
Job Placement Program Director
Jewish Family Service
4131 South Braeswood Boulevard
Houston, Texas 77025

Mrs. Price will replace Ms. Annylee Smith in the membership category of "one member representing and familiar with vocational guidance and counseling service."

This appointment was recommended by Governor Clements and approved by the State Board of Education on May 9, 1981, in compliance with Section 31.12 of the Texas Education Code.

Mrs. Price will serve for the remainder of a term to expire on February 1, 1983.

Very truly yours,

/s/Alton O. Bowen
Commissioner of Education

SENATE RESOLUTION 678

Senator Truan offered the following resolution:

S.R. 678, Honoring Jose Rodriguez.

The resolution was read and was adopted.

GUEST PRESENTED

Senator Truan introduced Mr. Rodriguez to the Members of the Senate.

Senator Truan also presented Raul Arevalos, Sheriff and Eustalio Gonzales, County Commissioner of Willacy County.

SENATE CONCURRENT RESOLUTION 122

Senator Wilson offered the following resolution:

WHEREAS, House Bill No. 2333 has passed the house of representatives and the senate and has been signed by the speaker of the house; and

WHEREAS, Further consideration of the bill by the senate is necessary; now, therefore, be it

RESOLVED by the Senate of the 67th Texas Legislature, the House of Representatives concurring, That the action of the speaker of the house in signing House Bill No. 2333 be declared null and void and that he be authorized to remove his signature from the enrolled bill; and, be it further

RESOLVED, That the chief clerk of the house be authorized to return House Bill No. 2333 after removal of the signature to the senate for further consideration.

The resolution was read.

On motion of Senator Wilson and by unanimous consent, the resolution was considered immediately and was adopted.

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 391**

Senator Jones submitted the following Conference Committee Report:

Austin, Texas
May 19, 1981

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 391 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JONES
DOGGETT
HARRIS
TRAEGER
FARABEE
On the part of the Senate

THOMPSON
CARY
GAVIN
EMMETT
WIETING
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

HOUSE BILL 738 REREFERRED

On motion of Senator Brooks and by unanimous consent, **H.B. 738** was withdrawn from the Committee on Jurisprudence and rereferred to the Committee on State Affairs.

SENATE BILL 665 WITH HOUSE AMENDMENT

Senator Traeger called **S.B. 665** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Criss

Substitute the following for **S.B. 665**:

A BILL TO BE ENTITLED AN ACT

relating to the collection of fees for boiler inspections and the issuance of Certificates of Operation; amending Sections 5 and 11, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. Every insurance company authorized to insure and inspect boilers in this State shall, within thirty (30) days after a certificate inspection file a report with the Commissioner stating the condition of the boiler. The report shall also include the location of the boiler, date inspected, and the name of the inspector.

"Any boiler inspected by an authorized inspector shall be exempt from other inspections and inspection fees under the provisions of this Act; provided nothing in this Section shall prevent the Commissioner from authorizing the inspection of any boiler at any reasonable time when, in the opinion of the Commissioner, such boiler may be in an unsafe condition. The Commissioner shall contact the insurance company carrying insurance on the boiler and request the authorized inspector to participate with the Chief Inspector or Deputy Inspector to jointly inspect the boiler, within twenty (20) days. No additional charge shall be made for this inspection.

"The Commissioner is authorized to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act. The fee for the

Certificate of Operation shall not exceed the sum of fifteen dollars (\$15.00).
~~[The owner or user shall remit to the Texas Department of Labor and Standards the sum of Five Dollars (\$5) for each Certificate of Operation to be issued. This fee is included in the internal and external inspection fee authorized in Section 11 of this Act.]~~

"Every insurance company shall notify the Commissioner in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, ~~[within twenty (20) days]~~ after the expiration or cancellation of said policy, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation or expiration has or will become effective."

SECTION 2. Section 11, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 11. (a) The Commissioner may fix and collect fees for the inspection of boilers and the issuance of Certificates of Operation.

"Such fees must be paid by the owner or user before the issuance of a Certificate of Operation for the boiler inspected.

"(b) The Commissioner may fix and collect fees for administering examinations as provided by this Act ~~[to insurance companies' boiler inspectors.]~~

~~"[(c) The Commissioner may fix and collect fees for the inspection and certification as provided by this Act of safety valve repairmen or manufacturers]."~~

"(c) [(d)] With the advice of the Board of Boiler Rules, the Commissioner shall fix the fees provided by the Act in amounts that produce income sufficient to cover the expenses incurred in the administration of this Act. Fees collected by the Commissioner under the provisions of this Section of the Act shall be paid into the State Treasury to the credit of the General Revenue Fund.

"(d) [(e)] The Commissioner may fix and collect fees for special inspections as referred to in Section 6 of this Act. Such fees, travel, and per diem collected under the provisions of this Section of the Act shall be appropriated to the credit of the Boiler Inspection Division."

SECTION 3. This Act takes effect September 1, 1981.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 625 WITH HOUSE AMENDMENT

Senator Brooks called S.B. 625 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 - Nowlin

Amend Section 2 of S.B. 625 to read as follows:

SECTION 2. Article 4418g-1, Revised Civil Statutes of Texas, 1925, as added, is amended by adding a new Section 3A to read as follows:

"Section 3A. The Texas Department of Health may provide funds for the advisory committee to hire necessary staff and may provide funds for office space, equipment, postage, travel and printing. In addition to the duties imposed upon the advisory committee, the committee may conduct a comprehensive study of the supply and demand for dental services within Texas and advise the appropriate governmental entities regarding anticipated dental educational programs necessary to satisfy the dental care needs of the people of Texas."

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 5 WITH HOUSE AMENDMENTS

Senator Brooks called S.B. 5 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Uher

Substitute the following for S.B. 5.

A BILL TO BE ENTITLED AN ACT

relating to accessibility standards and specifications in certain buildings and facilities; amending the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), by amending Subsections (a), (c), and (d) of, and adding Subsection (e) to, Section 7.02; and by amending Subsection (e) of Section 7.05.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Subsections (a), (c), and (d) of, and adding Subsection (e) to, Section 7.02 to read as follows:

"(a) The standards and specifications adopted under this article shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this article from any one of these funds or any combination thereof shall conform to each of the standards and specifications adopted under this article except as otherwise provided in Subsection (e) of this section. ~~where the governmental department, agency, or unit concerned shall determine, after taking all~~

~~circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the commission. If it is determined that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.]”~~

“(c) Except as otherwise provided in Subsection (e) of this section, these [These] standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state’s regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. [Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the commission. If it is determined that full compliance is not practical, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.]

“(d) Except as otherwise provided in Subsection (e) of this section, these [These] standards and specifications shall be adhered to in certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which are constructed on or after January 1, 1978, in counties with a population of 45,000. Such facilities include the following:

“(1) shopping centers which contain in excess of five separate mercantile establishments; compliance with accessibility standards and specifications relative to toilet rooms shall not apply unless the shopping center elects to have public toilet rooms;

“(2) passenger transportation terminals;

“(3) theaters and auditoriums having a seating capacity for 200 or more patrons;

“(4) hospitals and related medical facilities which provide direct medical service to patients;

“(5) nursing homes and convalescent centers;

“(6) buildings [or complexes] containing an aggregate total of 20,000 or more square feet of recognizable office floor space;

“(7) funeral homes; and

“(8) commercial business and trade schools [or colleges].

“(e) The commission shall have the authority to waive or modify accessibility standards and specifications when application of such standards and specifications is considered by the commission to be impracticable. If it is

determined by the Commission that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practicable, and the written statement by the Commission of the reasons for the determination shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification. All evidence supporting waiver or modification determinations made by the commission shall be made a matter of record and become part of the file system maintained by the Commission.

SECTION 2. Subsection (e), Section 7.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) The commission may review plans and specifications, make inspections, and issue certifications that ~~[privately-owned]~~ structures not otherwise covered by this article are free of architectural barriers and in compliance with the provisions of this article. The commission is authorized to charge a fee, not to exceed \$100, for review of plans and specifications, inspection, and certification of each privately owned building or facility."

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1 - Moreno

Amend C.S.S.B. 5 by striking Section 1 and substituting the following:

(d) Except as otherwise provided in Subsection (e) of this section, these ~~[These]~~ standards and specifications shall be adhered to in certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which are constructed on or after January 1, 1978, in counties with a population of 45,000 or more. Such facilities include the following:

(1) shopping centers which contain in excess of five separate mercantile establishments; compliance with accessibility standards and specifications relative to toilet rooms shall not apply unless the shopping center elects to have public toilet rooms;

(2) passenger transportation terminals;

(3) theaters and auditoriums having a seating capacity for 200 or more patrons;

(4) hospitals and related medical facilities which provide direct medical service to patients;

(5) nursing homes and convalescent centers;

(6) buildings ~~[or complexes]~~ containing an aggregate total of 20,000 or more square feet of recognizable office floor space;

(7) funeral homes; and

(8) commercial business and trade schools ~~[or colleges]~~.

(e) The commission shall have the authority to waive or modify accessibility standards and specifications when application of such standards and specifications is considered by the commission to be irrelevant to the nature, use, or function of a building or facility covered by this article. The commission shall not waive or modify any standard or specification when such action would result in a significant impairment of the acquisition of goods and services by handicapped persons or substantially reduce the potential for employment of

handicapped persons. All evidence supporting waiver or modification determinations made by the commission shall be made a matter of record and become part of the file system maintained by the commission.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendments were read.

(Senator Sarpalius in Chair)

Senator Brooks moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE CONCURRENT RESOLUTION 12 ON SECOND READING

Senator Travis moved to suspend the regular order of business to take up for consideration at this time:

S.C.R. 12, Memorializing Congress to propose an amendment relating to voluntary school prayer in public schools.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Williams, Wilson.

Nays: Doggett, Mauzy, Parker, Truan, Vale.

The resolution was read second time and was adopted.

RECORD OF VOTES

Senators Doggett and Mauzy asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE RESOLUTION 676

Senator Richards offered the following resolution:

S.R. 676, Commending Crime Stoppers of Houston, Inc., and others for their efforts on behalf of the citizens of Houston.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Richards was recognized and presented the following members of Crime Stoppers of Houston, Inc.: Jim Hassman, Chairman of the Board of Crime Stoppers; Dave Ward, Channel 13 anchorman; Sgt. John Gilbert, Houston Police Department and Operations Director; Bo Byers, Houston Chronicle; and Dr. John H. Alexander, Executive Director of Governmental Operations, University of Houston.

These gentlemen were escorted to the President's Rostrum and presented enrolled copies of Senate Resolution 676 by the President.

Sgt. Gilbert briefly addressed the Senate, expressing appreciation for the support of the Senate.

SENATE BILL 1150 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1150, Relating to a transfer of funds and a supplemental appropriation to the office of the governor for disasters and emergencies.

The bill was read second time and was passed to engrossment.

SENATE BILL 1150 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1216 ON THIRD READING

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 1216, Relating to the authority to create municipal courts of record in the city of Dallas and to provisions for the operation of the courts and appeals from the municipal courts of record.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Tracger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 991 ON SECOND READING

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 991, Relating to notice requirements, violations, and the requirement to keep minutes under the open meetings law.

There was objection.

Senator Parker then moved to suspend the regular order of business and take up **S.B. 991** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Brooks, Caperton, Doggett, Farabee, Glasgow, Howard, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Andujar, Blake, Brown, Harris, Jones, Leedom, Travis.

Absent: Snelson.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **S.B. 991**, SECTION 1, Section 3 (a), by deleting the word "void" on line 23 and substituting the word "voidable".

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 991 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 991** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Harris, Jones, Travis.

SENATE BILL 1215 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1215, Relating to appropriations to North Texas State University.

The bill was read second time and was passed to engrossment.

SENATE BILL 1215 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1215** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President Pro Tempore Traeger in Chair)

HOUSE BILL 1628 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1628, Relating to regulation of pharmacists and pharmacies.

The bill was read second time and was passed to third reading.

HOUSE BILL 1628 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1628** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time.

Senator Andujar offered the following amendment to the bill:

Amend **H.B. 1628** by adding a new subdivision (41) to SECTION 5 to read as follows:

“(41) “Professional fee” means any charge added to the acquisition cost of a drug by a pharmacy or pharmacist to arrive at the final selling price.”

The amendment was read and failed of adoption by the following vote: Yeas 7, Nays 23.

Yeas: Andujar, Harris, Jones, Meier, Richards, Travis, Williams.

Nays: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Kothmann, Leedom, Mauzy, McKnight, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Wilson.

Absent: Howard.

The bill was finally passed.

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **H.B. 246** by a vote of 87 Ayes, 51 Nays, 1 Present-not voting.

S.B. 555, Relating to interest rates on judgments. (With amendment)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
May 20, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE STATE BOARD OF MEDICAL EXAMINERS:

For a six-year term to expire April 13, 1987:

MICHAEL A. CALABRESE, D.O. of El Paso, El Paso County, is being reappointed.

JESSE D. IBARRA, JR., M.D. of Temple, Bell County, is being reappointed.

CLIFFORD D. BURROSS, M.D. of Wichita Falls, Wichita County, is being reappointed.

For a six-year term to expire April 13, 1987:

JOEL DAVID HOLLIDAY D.O. of Dallas, Dallas County is replacing Charley E. Wysong M.D. of McKinney, Collin County whose term expired.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

SENATE RULE 103 SUSPENDED

On motion of Senator Sarpalius and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.B. 699** today.

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Economic Development might consider **H.B. 1119** tomorrow.

SENATE RULE 103 SUSPENDED

On motion of Senator Wilson and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider **H.B. 2375** today.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.B. 1285** today.

RECESS

On motion of Senator Mauzy the Senate at 12:34 o'clock p.m. took recess until 6:15 o'clock p.m. today.

AFTER RECESS

The Senate met at 6:15 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
May 20, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE
GUADALUPE-BLANCO RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

A. C. SCHWETHELM of Comfort, Kendall County, is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:

For a six-year term to expire February 1, 1987:

FRANK BRYANT, JR., M.D. of San Antonio, Bexar County, will be replacing Dr. Blanchard T. Hollins of Houston, Harris County, whose term expired (representing physicians).

TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE
MUNICIPAL RETIREMENT SYSTEM:

For a six-year term to expire December 31, 1986:

CLYDE MCCOLLOUGH, JR. of San Antonio, Bexar County, is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR
NURSING HOME ADMINISTRATORS:

For a six-year term to expire January 31, 1987:

LILLA ODELL (DELL) HAGAN of Tyler, Smith County, will be replacing William A. Sheffield of Dallas, Dallas County, whose term expired.

TO BE A MEMBER OF THE BOARD OF REGENTS OF STEPHEN F.
AUSTIN STATE UNIVERSITY:

For a six-year term to expire January 31, 1987:

WILLIAM FLETCHER GARNER, JR. of Bridge City, Orange County, is replacing Joe Bob Golden, Jr. of Jasper, Jasper County, whose term expired.

For a six-year term to expire January 31, 1987:

DAVID LARRY JACKSON of Plano, Collin County, is replacing James Irvine Perkins of Rusk, Cherokee County, whose term expired.

For a six-year term to expire January 31, 1987:

HOMER LEE BRYCE of Henderson, Rusk County, is being reappointed.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 122, Recalling **H.B. 2333** from the House for further consideration by the Senate...AND returning **H.B. 2333** to the Senate for further consideration also.

H.B. 340, Relating to excuse from jury service for persons with a physical or mental impairment.

H.B. 698, Relating to application of the workers' compensation law to farm and ranch laborers.

H.B. 752, Relating to suits for divorce or annulment and to declare a marriage void and to the rights, privileges, and duties of spouses.

H.B. 837, Relating to authority of the State Treasurer to sell personal property bequeathed to the State of Texas.

H.B. 876, Relating to the liability of officers for execution of a writ of a court and recovery of certain seized property.

H.B. 1939, Relating to railroad crossing safety information.

H.B. 2089, Relating to licensing of labor agents.

H.B. 2129, Relating to assistance for veterans suffering from contact with certain toxic chemicals.

H.B. 2335, Relating to the qualifications of agents of surety companies to engage in the execution of bail or supersedeas bonds.

H.B. 2148, Relating to the requirement of automatic sprinkler systems in certain nursing homes and convalescent homes.

H.B. 369, Relating to local regulation of the promotion, advertisement, sale, display, and distribution of harmful material to minors.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Mauzy and by unanimous consent, the Senate at 6:27 o'clock p.m. agreed to resolve into the Committee of the Whole Senate to consider redistricting.

The President appointed Senator Santiesteban to serve as Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 10:07 o'clock p.m.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

H.B. 1628**MEMORIAL RESOLUTIONS**

S.R. 680 - By Williams: Memorial resolution for Norman Alva Hallonquist.

S.R. 681 - By Farabee: Memorial resolution for Mrs. Lloyd Bland.

S.R. 690 - By Snelson: Memorial resolution for M. W. Collie, Jr.

S.R. 691 - By Snelson: Memorial resolution for Francis Marion (Frank) Shaddox.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 682 - By Truan: Extending congratulations to Jerry E. and Margaret Zamora Larrumbide on birth of Andrea Maria Larrumbide.

S.R. 684 - By Williams: Extending welcome to Elaine Pace, "Honorary Page" for the day.

S.R. 685 - By Williams: Extending welcome to Laura Pace, "Honorary Page" for the day.

S.R. 686 - By Ogg: Extending congratulations to the Houston Rockets.

S.R. 687 - By Short: Extending congratulations to Janie Hardy.

S.R. 688 - By Caperton: Extending welcome to Dr. H. D. Pope, Jr., "Capitol Physician" for the day.

S.R. 689 - By Doggett: Extending congratulations and thanks to Lily Tomlin for her unusual ability to make people laugh.

S.R. 692 - By Doggett: Extending welcome to Dawn Mallory, "Honorary Page" for the day.

S.R. 693 - By Doggett: Extending welcome to Scott Mallory, "Honorary Page" for the day.

S.R. 694 - By Doggett: Extending welcome to Geoffrey White, "Honorary Page" for the day.

S.R. 695 - By Doggett: Extending welcome to Piper Simon and Laura Lackey, "Honorary Pages" for the day.

S.R. 696 - By Doggett: Extending welcome to Tommy Philpott, "Honorary Page" for the day.

S.R. 697 - By Doggett: Extending welcome to Perry Guentzel, "Honorary Page" for the day.

S.R. 698 - By Doggett: Extending welcome to Betty Mayfield, "Honorary Page" for the day.

S.R. 699 - By Doggett: Extending welcome to Nan Krankel, "Honorary Page" for the day.

S.R. 700 - By Doggett: Extending welcome to James Lynch, "Honorary Page" for the day.

S.R. 701 - By Doggett: Extending welcome to Jennifer Scott, "Honorary Page" for the day.

S.R. 702 - By Doggett: Extending welcome to Karen Brown, "Honorary Page" for the day.

S.R. 703 - By Doggett: Extending welcome to Bob and Sarah Davis, "Honorary Pages" for the day.

S.R. 704 - By Doggett: Extending welcome to Lori Turner, "Honorary Page" for the day.

S.R. 705 - By Doggett: Extending welcome to Laura Roberts, "Honorary Page" for the day.

S.R. 706 - By Doggett: Extending welcome to Kendall Cobb, "Honorary Page" for the day.

ADJOURNMENT

On motion of Senator Mauzy the Senate at 10:15 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(May 18, 1981)

H.C.R. 163
H.C.R. 178
H.C.R. 180
H.C.R. 181
H.C.R. 186

Sent to Governor
(May 20, 1981)

S.C.R. 48	S.C.R. 84
S.C.R. 81	S.C.R. 85
S.C.R. 83	S.C.R. 1
S.B. 227	S.B. 754
S.B. 259	S.B. 816
S.B. 261	S.B. 834
S.B. 303	S.B. 839
S.B. 345	S.B. 850
S.B. 360	S.B. 862
S.B. 381	S.B. 897
S.B. 446	S.B. 928
S.B. 502	S.B. 934
S.B. 514	S.B. 958